

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

CURTIS D HURST, JR

Debtor

**SANTANDER BANK, N.A. FKA SOVEREIGN
BANK, N.A. FKA SOVEREIGN BANK**

Movant

v.

CURTIS D HURST, JR

Respondent

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BK. No. 18-15461-mdc

Chapter No. 13

11 U.S.C. §362

**MOTION OF SANTANDER BANK, N.A. FKA SOVEREIGN BANK, N.A. FKA SOVEREIGN
BANK FOR RELIEF FROM AUTOMATIC STAY UNDER §362 PURSUANT TO
BANKRUPTCY PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN DIAMOND & JONES, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor, CURTIS D HURST, JR.

1. Movant is **SANTANDER BANK, N.A. FKA SOVEREIGN BANK, N.A. FKA SOVEREIGN BANK.**

2. Debtor, CURTIS D HURST, JR, is the owner of the premises located at **818 CYPRESS AVENUE, YEADON, PA 19050**, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage on the mortgaged premises.

4. Debtor's failure to tender monthly payments in a manner consistent with the terms of the Mortgage and Note result in a lack of adequate protection.

5. Movant instituted foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.

6. The foreclosure proceedings instituted were stayed by the filing of the instant Chapter 13 Petition.

7. As of June 3, 2019, Debtor has failed to tender post-petition mortgage payments for the months of December 2018 through June 2019. The monthly payment amount for the months of December 2018 through June 2019 is \$1,376.79 each, for a total amount due of \$9,637.53. The next payment is due on or before July 1, 2019 in the amount of \$1,376.79. The following fees and

costs have been incurred since bankruptcy filing: Attorney fees in the amount of \$100.00, Filing fees and court costs in the amount of \$111.90, Statutory Mailings in the amount of \$4.10, and Sale Postponement/Re-Set in the amount of \$600.00. Under the terms of the Note and Mortgage, Debtor has a continuing obligation to remain current post-petition and failure to do so results in a lack of adequate protection to Movant.

8. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

9. Movant specifically requests permission from the Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law.

10. Movant requests that if relief is granted that Federal Rule of Bankruptcy Procedure 3002.1 be waived.

WHEREFORE, Movant respectfully requests that this Court enter an Order;

a. Modifying the Automatic Stay under Section 362 with respect to **818 CYPRESS AVENUE, YEADON, PA 19050** (as more fully set forth in the legal description attached to the Mortgage of record granted against the Premises), as to allow Movant, its successors and assignees, to proceed with its rights under the terms of said Mortgage; and

b. Movant specifically requests permission from this Honorable Court to communicate with Debtor and Debtor's counsel to the extent necessary to comply with applicable nonbankruptcy law; and

- c. Waiving Federal Rule of Bankruptcy Procedure 3002.1; and
- d. Granting any other relief that this Court deems equitable and just.

/s/ Thomas Song, Esquire

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